

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Young-kook KIM

Application No. 10/822,847

Group Art Unit: 2179

Filed: April 13, 2004

Examiner Phenuel S. Salomon

Customer No.: 38209

Confirmation No. 3206

For: METHOD OF INDICATING FUNCTIONS OF BUTTONS, AN IMAGE  
DISPLAY APPARATUS, AND AN ON-SCREEN-DISPLAY MENU  
PROCESSING METHOD

**Mail Stop Appeal Brief**

Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF**

Sir:

This Reply Brief is in response to the November 13, 2009 Examiner's Answer, and is also submitted in support of the Notice of Appeal filed May 4, 2009, and the August 13, 2009 Appeal Brief, wherein Appellant appeals from the Examiner's rejection of claims 1-4, 7, 9, 19-24, 27-29, and 31-82.

Serial No.: 10/822,847  
Docket No.: 101-1033  
Reply Brief filed January 4, 2010

**Status of Claims**

Claims 1-4, 7, 9, 19-24, 27-29, and 31-82 are pending, and stand finally rejected. It is from this final rejection that this Appeal is taken. Claims 5, 6, 8, 10-18, 25, 26 and 30 have been canceled without prejudice or disclaimer.

**Grounds of Rejection To Be Reviewed By Appeal**

Appellant respectfully requests that the following be reviewed:

- (1) Whether claims 1 and 65-66 are obvious under 35 U.S.C. §103(a) in view of U.S. Patent No. 6,757,034 to Yu (hereinafter, "Yu"), in view of U.S. Patent No. 5,973,664 to Badger (hereinafter, "Badger"), and further in view of "NEC LCD Series MultiSync User's Manual" of August 22, 1999 (hereinafter, "NEC");
- (2) Whether claims 2-4 are obvious under 35 U.S.C. §103(a) in view of Yu, Badger, and NEC, and further in view of U.S. Patent No. 6,744,259 to Bald (hereinafter, "Bald");
- (3) Whether claims 7, 9 and 67-68 are obvious under 35 U.S.C. §103(a) in view of U.S. Patent No. 6,346,972 to Kim (hereinafter, "Kim"), in view of Bald, and further in view of NEC;
- (4) Whether claims 19-23 are obvious under 35 U.S.C. §103(a) in view of Bald, Kim, and further in view of NEC;
- (5) Whether claim 24 is obvious under 35 U.S.C. §103(a) in view of Bald, Kim, NEC, and further in view of U.S. Patent No. 6,356,287 to Ruberry et al. (hereinafter, "Ruberry");
- (6) Whether claims 27-34 and 71-72 are obvious under 35 U.S.C. §103(a) in view of Bald and Yu;
- (7) Whether claims 35-36 and 73-74 are obvious under 35 U.S.C. §103(a) as being unpatentable over Bald in view of Yu in view of Kim and further in view of NEC.
- (8) Whether claims 37-63 and 75-78 are obvious under 35 U.S.C. §103(a) in view of Yu, Pivot Pro Software 1998-2001 (hereinafter "Pivot Pro") in view of Kim and further in view of NEC; and
- (9) Whether claims 64 and 81-82 are obvious under 35 U.S.C. §103(a) in view of Yu, Bald, Pivot Pro, and further in view of NEC.

## Argument

### **1. Independent Claim 1**

On page 27 of the Examiner's Answer, the Examiner alleges that "[w]hile applying NEC feature of correct orientation of the OnScreen Menu display of toggling between portrait and landscape, the deficiencies of Yu where the onscreen menu is displayed opposite to the function button will be cured and the function buttons on the monitor chassis will be able to operate the OSM menu by applying the proper orientation. Therefore, the combination of NEC and Yu is plausible."

On pages 3 and 4 of the Examiner's Answer, the Examiner acknowledges and Appellant agrees that Yu "does not explicitly disclose detecting a pivot angle of the image display apparatus, and displaying the image rotated according to the pivot angle at a position close to the buttons." Referring to page 6, paragraph 3 of NEC as relied upon by the Examiner on page 4 of the Examiner's Answer, NEC describes that "[t]o toggle the orientation of the OSM menu between Landscape and Portrait modes, press the RESET button while the OSM menu is off." That is, NEC merely describes "toggl[ing] the orientation" of the "menu" between "Landscape and Portrait modes" by pressing a "RESET button" – not "displaying the image" that is "rotated" according to the detected "pivot angle" at a "position close to the buttons." Appellant submits that NEC describes displaying the menu in "Landscape" or "Portrait" modes – not that the menu is displayed in a position that is "rotated" according to the detected "pivot angle" at a "position close to the buttons." That is, Appellant respectfully submits that NEC fails to make up for the deficiencies of Yu and Badger, in that NEC merely describes displaying the menu in "Landscape" or "Portrait" modes according to whether a button is pressed which toggles the orientation of the display, not displaying a menu at a "position close to the buttons" according to a "detected pivot angle." Therefore, Yu, Badger, and NEC, whether taken alone or in combination with one another, fail to teach or suggest, among other things, "detecting a pivot angle of the image display apparatus, and displaying the image rotated according to the pivot angle at a position close to the buttons."

For at least the reasons discussed above, since Yu, Badger, and NEC, whether taken alone or in combination with one another, fail to teach or suggest all of the features as recited in

independent claim 1, Appellant submits that the rejection of this claim under 35 U.S.C. § 103(a) is improper and must be withdrawn.

## **2. Independent Claim 7**

On pages 27-28 of the Examiner's Answer, the Examiner alleges that "Bald shows that the front panel of fig. 1 includes four soft keys 1-4 with their corresponding function description either text or images (cursor control keys, "enter" or "input" key an/or "exit" key. As per Bald teaching, the right side of display 20 shows text and image with associated buttons where pressing any of those buttons will execute the relevant functions." On page 28 of the Examiner's Answer, the Examiner further alleges that:

*Bald further discloses the method of the invention beings upon power-up of the safety compliance instrument (step 60), at which time a verification menu 30 shown in FIG. 3 is displayed (step 61). This menu permits the user to select from among four types of tests to be verified using up and down cursor control activated by softkeys 1 and 2, a select key activated by softkey 3, and an exit key activated by softkey 4. use of such a scrolling display permits selection from among a greater number of options than there are softkeys (col. 5, lines 36-44) (emphasis original).*

On page 28 of the Examiner's Answer, the Examiner still further alleges that "[u]pon power-up, there's a controller that verifies the images or text for the displayed menu and the system determine the exact display area of the function labels next to the soft keys that are part of the display chassis."

Referring to FIG. 1 and col. 5, lines 36-44 of Bald as relied upon by the Examiner, Bald illustrates and describes that a "verification menu 30" is displayed and the menu "permits the user to select from among four types of tests to be verified using up and down cursor control arrows activated by softkeys 1 and 2a select key activated by softkey 3, and an exit activated by softkey 4." That is, Bald illustrates and describes selecting from tests by using up and down cursor control arrows with softkeys, not that the "verification menu 30" has "zones" for displaying "image information." Appellant submits that Bald describes at col. 4, line 66 to col. 5, line 5 that the display screen 20 merely is a "display screen capable of displaying the menus and submenus" – Bald fails to teach or suggest anywhere that the display screen 20 has "zones" or that it displays "image information" in the "zones." At best, Bald describes in col. 5, lines 43-45

that “[u]se of such a scrolling display permits selection from among a greater number of options than there are softkeys,” not that the display screen 20 has “zones” or that it displays “image information” in the “zones.” Although the Examiner alleges that “there’s a controller that verifies the images or text for the displayed menu and the system determine[s] the exact display area of the function labels next to the soft keys that are part of the display chassis,” Appellant submits Bald does not teach, disclose, or suggest that the display screen 20 has “zones” or that it displays “image information” in the “zones.” At best, Bald describes col. 4, line 60 to col. 5, line 9 that “display control processors” control and carry out the “display control functions,” and that the display screen is “capable of displaying the menus and submenus,” not that the display screen 20 has “zones” or that it displays “image information” in the “zones.”

On page 28 of the Examiner’s Answer, the Examiner alleges that “NEC discloses the correct orientation of the OnScreen Menu can be toggle[d] between portrait and landscape (p. 6, para. 3 and fig. R.1). Not only NEC can detect a pivot angle but also display the OSM menu based on the orientation in accordance with the function buttons on the chassis.” The Examiner further alleges that “[w]hile applying NEC feature of correct orientation of the OnScreen Menu display of toggling between portrait and landscape, the deficiencies of Kim where the onscreen menu is displayed opposite to the function button will be cured and the function buttons on the monitor chassis will be able to operate the OSM menu by applying the proper orientation. Therefore, the combination of NEC and Kim is plausible.”

Referring to page 6, paragraph 3 of NEC as relied upon by the Examiner on page 4 of the Examiner’s Answer, NEC describes that “[t]o toggle the orientation of the OSM menu between Landscape and Portrait modes, press the RESET button while the OSM menu is off.” That is, NEC merely describes “toggl[ing] the orientation” of the “menu” between “Landscape and Portrait modes” by pressing a “RESET button” – not “display[ing] the image” in the “zones” that is “rotated” according to the detected “pivot angle” at a “position close to the buttons.” Appellant submits that NEC describes displaying the menu in “Landscape” or “Portrait” modes – not that the menu is displayed in a position that is “rotated” according to the detected “pivot angle” at a “position close to the buttons.” That is, Appellant respectfully submits that NEC fails to make up for the deficiencies of Yu and Badger, in that NEC merely describes displaying the menu in “Landscape” or “Portrait” modes according to whether a button is pressed which

toggles the orientation of the display, not displaying a menu at a "position close to the buttons" according to a "detected pivot angle."

Therefore, Kim, Bald, and NEC, whether taken alone or in combination with one another, fail to teach or suggest, among other things, "the image display unit has zones to display an image indicating functions assigned to the buttons, and the controller generates image information to be displayed in the zones and supplies the image information to the graphics processing unit" as recited in claim 7.

For at least the reasons discussed above, since Kim, Bald, and NEC, whether taken alone or in combination with one another, fail to teach or suggest all of the features as recited in independent claim 7, Appellant submits that the rejection of this claim under 35 U.S.C. § 103(a) is improper and must be withdrawn.

### **3. Independent Claim 19**

On page 29 of the Examiner's Answer, the Examiner alleges that "Bald shows that the front panel of fig. 1 includes four soft keys 1-4 with their corresponding function description either text or images (cursor control keys, "enter" or "input" key an/or "exit" key. As per Bald teaching, the right side of display 20 shows text and image with associated buttons where pressing any of those buttons will execute the relevant functions." On page 29 of the Examiner's Answer, the Examiner further alleges that:

*Bald further discloses the method of the invention beings upon power-up of the safety compliance instrument (step 60), at which time a verification menu 30 shown in FIG. 3 is displayed (step 61). This menu permits the user to select from among four types of tests to be verified using up and down cursor control activated by softkeys 1 and 2, a select key activated by softkey 3, and an exit key activated by softkey 4. use of such a scrolling display permits selection from among a greater number of options than there are softkeys (col. 5, lines 36-44) (emphasis original).*

On page 29 of the Examiner's Answer, the Examiner still further alleges that "[u]pon power-up, there's a controller that verifies the images or text for the displayed menu and the system determine the exact display area of the function labels next to the soft keys that are part of the display chassis."

Referring to FIG. 1 and col. 5, lines 36-44 of Bald as relied upon by the Examiner, Bald

illustrates and describes that a “verification menu 30” is displayed and the menu “permits the user to select from among four types of tests to be verified using up and down cursor control arrows activated by softkeys 1 and 2a select key activated by softkey 3, and an exit activated by softkey 4.” That is, Bald illustrates and describes selecting from tests by using up and down cursor control arrows with softkeys, not that the “verification menu 30” has “zones” for displaying “image information.” Appellant submits that Bald describes at col. 4, line 66 to col. 5, line 5 that the display screen 20 merely is a “display screen capable of displaying the menus and submenus” – Bald fails to teach or suggest anywhere that the display screen 20 has “zones” or that it displays an “image in the zones” that is “rotated according to the pivot angle” at a position close to the buttons.” At best, Bald describes in col. 5, lines 43-45 that “[u]se of such a scrolling display permits selection from among a greater number of options than there are softkeys,” not that the display screen 20 has “zones” or that it displays an “image in the zones” that is “rotated according to the pivot angle” at a position close to the buttons.” Although the Examiner alleges that “there’s a controller that verifies the images or text for the displayed menu and the system determine[s] the exact display area of the function labels next to the soft keys that are part of the display chassis,” Appellant submits Bald does not teach, disclose, or suggest that the display screen 20 has “zones” or that it displays an “images in the zones.” At best, Bald describes col. 4, line 60 to col. 5, line 9 that “display control processors” control and carry out the “display control functions,” and that the display screen is “capable of displaying the menus and submenus,” not that the display screen 20 has “zones” or that it displays an “image in the zones” that is “rotated according to the pivot angle” at a position close to the buttons.”

On page 30 of the Examiner’s Answer, the Examiner alleges that “NEC discloses the correct orientation of the OnScreen Menu can be toggle[d] between portrait and landscape (p. 6, para. 3 and fig. R.1). Not only NEC can detect a pivot angle but also display the OSM menu based on the orientation in accordance with the function buttons on the chassis.” The Examiner further alleges that “[w]hile applying NEC feature of correct orientation of the OnScreen Menu display of toggling between portrait and landscape, the deficiencies of Kim where the onscreen menu is displayed opposite to the function button will be cured and the function buttons on the monitor chassis will be able to operate the OSM menu by applying the proper orientation. Therefore, the combination of NEC and Kim is plausible.”



Referring to page 6, paragraph 3 of NEC as relied upon by the Examiner on page 4 of the Examiner's Answer, NEC describes that "[t]o toggle the orientation of the OSM menu between Landscape and Portrait modes, press the RESET button while the OSM menu is off." That is, NEC merely describes "toggl[ing] the orientation" of the "menu" between "Landscape and Portrait modes" by pressing a "RESET button" – not "display[ing] the image" in the "zones" that is "rotated" according to the detected "pivot angle" at a "position close to the buttons." Appellant submits that NEC describes displaying the menu in "Landscape" or "Portrait" modes – not that the menu is displayed in a position that is "rotated" according to the detected "pivot angle" at a "position close to the buttons." That is, Appellant respectfully submits that NEC fails to make up for the deficiencies of Yu and Badger, in that NEC merely describes displaying the menu in "Landscape" or "Portrait" modes according to whether a button is pressed which toggles the orientation of the display, not displaying a menu at a "position close to the buttons" according to a "detected pivot angle."

Referring to FIG. 3 and col. 5, lines 8-11 of Kim as relied upon by the Examiner on page 9 of the Examiner's Answer, Kim illustrates and describes "a pivot controller 840 for outputting storing position control signals 841 and data selection control signals 842 in response to pivot control signals 212 from the controller 200." In other words, Kim describes "outputting" storing position control signals and data selection control signals in response to pivot control signals – not displaying an "image in the zones" that is "rotated according to the pivot angle" and "at a position close to the buttons."

Therefore, for at least the above reasons, Bald, Kim, and NEC, whether taken alone or in combination with one another, fail to teach or suggest, among other things, "an image display unit including zones to display an image indicating functions assigned to the buttons" and where the "image display unit displays the image in the zones rotated according to the pivot angle at a position close to the buttons" as recited in claim 19.

For at least the reasons discussed above, since Bald, Kim, and NEC, whether taken alone or in combination with one another, fail to teach or suggest all of the features as recited in independent claim 19, Appellant submits that the rejection of this claim under 35 U.S.C. § 103(a) is improper and must be withdrawn.

#### 4. Independent claim 27

On page 30 of the Examiner's Answer, the Examiner alleges that Yu discloses that "*FIG. 4 shows the flat panel display 10 when the user has selected contrast of the display screen 300 for adjustment. An adjustment bar 304 appears in the main menu 301. A length of the darkened position of the adjustment bar 304 indicates a degree of contrast. Guided by the indicating symbols 302, the user can press the adjusting buttons 104, 105 to adjust contrast (step 409). When the adjusting button 104 is pressed, the adjustment bar 304 extends rightward, and the contrast is progressively increased*" (emphasis original). On page 31 of the Examiner's Answer, the Examiner alleges that Yu discloses that "[w]hen the adjusting button 105 is pressed, the darkened position of the adjustment bar 304 recedes leftward, and the contrast is progressively decreased. When the user is satisfied with the adjustment made, the user can press the first function button 103 to confirm the adjustment made (step 410)(col. 3, lines 48-61)" (emphasis original). The Examiner further alleges that the "user originally presses the first function button 103 in order to select contrast function from the menu bar 302 and submenu functions 301 is displayed as a result of that selection. Menu bar 301 represents a second layer of menus or submenus that directly derive from the actuation of menu bar 302 that is vertically displayed."

Referring to FIG. 4 and col. 3, lines 48-61 of Yu as relied upon by the Examiner, Yu illustrates and describes a flat panel display 10 "when the user has selected contrast of the display screen 300 for adjustment," where an adjustment bar 304 "appears in the main menu 301." Yu describes that a "length of the darkened position of the adjustment bar 304 indicates a degree of contrast," and that the "user can press the adjusting buttons 104, 105 to adjust contrast." Yu describes that "[w]hen the adjusting button 104 is pressed," the "adjustment bar 304 extends rightward, and the contrast is progressively increased," and "[w]hen the adjusting button 105 is pressed," the "darkened position of the adjustment bar 304 recedes leftward, and the contrast is progressively decreased." Yu describes that "[w]hen the user is satisfied with the adjustment made," the user "press[es] the first function button 103 to confirm the adjustment made." That is, Yu describes "select[ing]" and "adjust[ing]" the "contrast of the display screen 300," not "generating sub-functions of at least one of the first and second buttons according to

the generated first and second function.” Appellant submits that “adjust[ing]” the “contrast of the display screen 300” is part of the selected contrast adjustment, and is not a “generat[ed] sub-function.” That is, Appellant submits that there is no generated sub-function associated with the contrast adjustment.

Referring to FIG. 3 of Yu as relied upon by the Examiner on page 11 of the Examiner’s Answer, as well as col. 3, lines 4-7, Yu illustrates and describes that “a user of the flat panel display 10 presses any one of the control buttons 102, which automatically drives the OSD software to display the indicating symbols 302 (see FIG. 3) on the display screen 300” and that the “indicating symbols 302 respectively indicate functions and positions of the function buttons 102 and the power switch button 101.” Yu illustrates in FIG. 3 and describes in col. 3, lines 18-33 a “volume adjustment bar 303 appears near the indicating symbols 302” on the flat panel display 10 after the user “presses the second function button 106” thereby selecting to “adjust the volume of the speakers 202.” Yu further describes in col. 3, lines 18-33 that

[g]uided by the indicating symbols 302, the user can press the adjusting buttons 104, 105 to adjust the volume of the speakers 202. When the adjusting button 104 is pressed, the darkened position of the volume adjustment bar 303 extends rightward, and the volume of the speakers 202 is progressively turned up. When the adjusting button 105 is pressed, the adjustment bar 303 recedes leftward, and the speakers 202 are progressively turned down. When the second function button 106 is pressed a second time, the volume adjustment bar 303 disappears. The adjusted speak volume result is stored automatically.

That is, Yu describes displaying and controlling a function such as “volume adjustment,” and fails to teach or suggest “generating sub-functions of at least one of the first and second buttons according to the generated first and second function.” At best, Yu describes that the user “presses the second function button 106” thereby selecting to “adjust the volume of the speakers 202” and that “the user can press the adjusting buttons 104, 105 to adjust the volume,” *not* “generating sub-functions” according to the “generated first and second function.” There is no generated “sub-function” associated with the “volume adjustment” described by Yu, where the generated sub-function is according to a “generated first and second function.”

Therefore, for at least the above reasons, Bald and Yu, whether taken alone or in combination with one another, fail to teach or suggest, among other things, “generating sub-functions of at least one of the first and second buttons according to the generated first and

second function” as recited in claim 27.

For at least the reasons discussed above, since Bald and Yu, whether taken alone or in combination with one another, fail to teach or suggest all of the features as recited in independent claim 27, Appellant submits that the rejection of this claim under 35 U.S.C. § 103(a) is improper and must be withdrawn.

### **5. Independent claim 35**

On page 31 of the Examiner’s Answer, the Examiner alleges that “NEC discloses *the correct orientation of the OnScreen Menu can be toggle[d] between portrait and landscape* (p. 6, para. 3 and fig. R.1). Not only NEC can detect a pivot angle but also display the OSM menu based on the orientation in accordance with the function buttons on the chassis” (emphasis original). The Examiner further alleges that “[w]hile applying NEC feature of correct orientation of the OnScreen Menu display of toggling between portrait and landscape, the deficiencies of Bald where the onscreen menu is displayed opposite to the function button will be cured and the function buttons on the monitor chassis will be able to operate the OSM menu by applying the proper orientation. Therefore, the combination of NEC and Bald is plausible.”

Referring to page 6, paragraph 3 of NEC as relied upon by the Examiner, NEC describes that “[t]o toggle the orientation of the OSM menu between Landscape and Portrait modes, press the RESET button while the OSM menu is off.” Appellant submits that NEC merely describes “toggl[ing] the orientation” of the “menu” between “Landscape and Portrait modes” by pressing a “RESET button” – not “display[ing] the image” that is “rotated” according to the detected “pivot angle” at a “position close to the at least one button.” That is, NEC describes displaying a menu in either a portrait or landscape mode by pressing a button, not display an image at a “position close to the at least one button” that is “rotated” according to the detected “pivot angle.” At best, NEC describes displaying the menu in “Landscape” or “Portrait” modes – not that the menu is displayed in a position that is “rotated” according to the detected “pivot angle” at a “position close to the at least one button.”

Therefore, for at least the above reasons, Bald, Yu, Kim, and NEC, whether taken alone or in combination with one another, fail to teach or suggest, among other things, that “the image display unit displays the image rotated according to the pivot angle at a position close to the at

least one button” as recited in claim 35.

For at least the reasons discussed above, since Bald, Yu, Kim, and NEC, whether taken alone or in combination with one another, fail to teach or suggest all of the features as recited in independent claim 35, Appellant submits that the rejection of this claim under 35 U.S.C. § 103(a) is improper and must be withdrawn.

#### **6. Independent claim 37**

On page 32 of the Examiner’s Answer, the Examiner alleges that Pivot Pro “lets you rotate your computer display from landscape to portrait position, making documents, e-mail and web browsing easier to manage (page 1, para 1). By rotating the computer display implies that the software detects a change in the orientation and automatically reconfigures the display area where icons and task bars on the window will be displayed so that the text and others are legible to the user” (emphasis original).

Referring to page 1, paragraph 1 of Pivot Pro as relied upon by the Examiner, Pivot Pro describes “software” that “lets you rotate your computer display from landscape to portrait position” – not “a detector unit” to “detect” whether the device is in a “portrait mode or in a landscape mode.” Appellant respectfully submits that Pivot Pro fails to teach or suggest “a detector unit” to “detect” a “portrait mode or in a landscape mode” *anywhere*.

On page 32 of the Examiner’s Answer, the Examiner alleges that “NEC discloses *the correct orientation of the OnScreen Menu can be toggle[d] between portrait and landscape* (p. 6, para. 3 and fig. R.1). Not only NEC can detect a pivot angle but also display the OSM menu based on the orientation in accordance with the function buttons on the chassis” (emphasis original).” On pages 32-33 of the Examiner’s Answer, the Examiner alleges that “[a]s clearly shown, Yu discloses a monitor with function buttons on the side, (fig. 4).” The Examiner acknowledges and Appellant agrees that “if the user rotates the monitor from the landscape to portrait” in Yu, “the on-screen menu will have a different orientation as compared to the original display.” The Examiner further alleges that “[w]hile applying NEC feature of correct orientation of the OnScreen Menu display of toggling between portrait and landscape, the deficiencies of Yu where the onscreen menu is displayed opposite to the function button will be cured and the function buttons on the monitor chassis will be able to operate the OSM menu by applying the

proper orientation. Therefore, the combination of NEC and Yu is plausible.”

Referring to page 6, paragraph 3 of NEC as relied upon by the Examiner, NEC describes that “[t]o toggle the orientation of the OSM menu between Landscape and Portrait modes, press the RESET button while the OSM menu is off.” In other words, NEC merely describes “toggl[ing] the orientation” of the “menu” between “Landscape and Portrait modes” by pressing a “RESET button” – not that the “orientation” of a least one displayed “symbol” is “changed” with the result of the “detector unit.” At best, NEC describes changing the displayed menu to “Landscape” or “Portrait” mode by pressing a button – not that the “orientation” of a least one displayed “symbol” is “changed” with the result of the “detector unit” to “detect whether the device is in a portrait mode or in a landscape mode.”

Referring to FIG. 10 and col. 7, lines 51-56 of Kim as relied upon by the Examiner on page 16 of the Examiner’s Answer, Kim illustrates and describes that “if the user has turned the display panel 1100 by 90 degrees clockwise,” the “letters and figures of the on-screen display 1104 are displayed in the normal manner as seen by the user.” In other words, Kim describes displaying the on-screen display 1104 “in the normal manner as seen by the user” after the display panel 1100 has been rotated by 90 degrees -- not “at least one symbol” whose “orientation is changed” is “displayed” at a “position close to the at least one input unit.” The orientation of the on-screen display 1104 after the display panel 110 has been rotated is unrelated to a “position” that is “close” to the “input unit” (i.e., keypad 1105 of the display panel 1100).

Therefore, Yu, Pivot Pro, Kim, and NEC, whether taken alone or in combination with one another, fail to teach or disclose, among other things, “a detector unit to detect whether the device is in a portrait mode or in a landscape mode” and “at least one symbol is displayed which is respectively assigned to the at least one input unit, and wherein the orientation of the at least one symbol is changed in accordance with the result of the detector unit, and the at least one symbol, whose orientation is changed, is displayed at a position close to the at least one input unit” as recited in claim 37.

For at least the reasons discussed above, since Yu, Pivot Pro, Kim, and NEC, whether taken alone or in combination with one another, fail to teach or suggest all of the features as recited in independent claim 37, Appellant submits that the rejection of this claim under 35

U.S.C. § 103(a) is improper and must be withdrawn.

**7. Independent claim 48**

On page 33 of the Examiner's Answer, the Examiner alleges that Pivot Pro "*lets you rotate your computer display from landscape to portrait position, making documents, e-mail and web browsing easier to manage*" (page 1, para 1). By rotating the computer display implies that the software detects a change in the orientation and automatically reconfigures the display area where icons and task bars on the window will be displayed so that the text and others are legible to the user" (emphasis original).

Referring to page 1, paragraph 1 of Pivot Pro as relied upon by the Examiner, Pivot Pro describes "software" that "lets you rotate your computer display from landscape to portrait position" – not "detecting" a "rotated state of the display device." Appellant respectfully submits that Pivot Pro fails to teach or suggest "detecting" a "rotated state of the display device" anywhere. Moreover, Pivot Pro describes at p. 1, paragraph 1 that "software ... lets you rotate your computer display from landscape to portrait position" – not that "changing an orientation" of at least one "symbol" includes "displaying the at least one symbol, whose orientation is changed, at a position close to the at least one input unit."

On page 33 of the Examiner's Answer, the Examiner alleges that "NEC discloses *the correct orientation of the OnScreen Menu can be toggle[d] between portrait and landscape* (p. 6, para. 3 and fig. R.1). Not only NEC can detect a pivot angle but also display the OSM menu based on the orientation in accordance with the function buttons on the chassis" (emphasis original)." On pages 33-34 of the Examiner's Answer, the Examiner alleges that "[a]s clearly shown, Yu discloses a monitor with function buttons on the side, (fig. 4)." The Examiner acknowledges and Appellant agrees that "if the user rotates the monitor from the landscape to portrait" in Yu, the "on-screen menu will have a different orientation as compared to the original display." The Examiner further alleges of page 34 of the Examiner's Answer that "[w]hile applying NEC feature of correct orientation of the OnScreen Menu display of toggling between portrait and landscape, the deficiencies of Yu where the onscreen menu is displayed opposite to the function button will be cured and the function buttons on the monitor chassis will be able to operate the OSM menu by applying the proper orientation. Therefore, the combination of NEC

and Yu is plausible.”

Referring to page 6, paragraph 3 of NEC as relied upon by the Examiner, NEC describes that “[t]o toggle the orientation of the OSM menu between Landscape and Portrait modes, press the RESET button while the OSM menu is off.” In other words, NEC merely describes “toggl[ing] the orientation” of the “menu” between “Landscape and Portrait modes” by pressing a “RESET button” – not that the “orientation” of a least one displayed “symbol” is “changed” at a “position close to the at least one input unit.” At best, NEC describes displaying the menu in “Landscape” or “Portrait” modes – not that the “orientation” of a least one displayed “symbol” is “changed” at a “position close to the at least one input unit.”

Therefore, Yu, Pivot Pro, Kim, and NEC, whether taken alone or in combination with one another, fail to teach or suggest, among other things, “detecting a rotated state of the display device” and “changing an orientation of the at least one symbol” includes “displaying the at least one symbol, whose orientation is changed, at a position close to the at least one input unit” as recited in claim 48.

For at least the reasons discussed above, since Yu, Pivot Pro, Kim, and NEC, whether taken alone or in combination with one another, fail to teach or suggest all of the features as recited in independent claim 48, Appellant submits that the rejection of this claim under 35 U.S.C. § 103(a) is improper and must be withdrawn.

## **8. Independent claim 63**

On page 34 of the Examiner’s Answer, the Examiner alleges that Pivot Pro “lets you rotate your computer display from landscape to portrait position, making documents, e-mail and web browsing easier to manage (page 1, para 1). By rotating the computer display implies that the software detects a change in the orientation and automatically reconfigures the display area where icons and task bars on the window will be displayed so that the text and others are legible to the user” (emphasis original).

Referring to page 1, paragraph 1 of Pivot Pro as relied upon by the Examiner, Pivot Pro describes “software” that “lets you rotate your computer display from landscape to portrait position, making documents, e-mail and web browsing easier to manage” – not “changing an



orientation” of at least one “symbol” in accordance with a “detection of a viewing state of the screen, in which the viewing state relates to a rotated state of the screen.” Appellant respectfully submits that Pivot Pro fails to teach or suggest anywhere a “detection” of a “viewing state” of a screen.

On pages 34-35 of the Examiner’s Answer, the Examiner alleges that “NEC discloses *the correct orientation of the OnScreen Menu can be toggle[d] between portrait and landscape* (p. 6, para. 3 and fig. R.1). Not only NEC can detect a pivot angle but also display the OSM menu based on the orientation in accordance with the function buttons on the chassis” (emphasis original).” On page 35 of the Examiner’s Answer, the Examiner alleges that “[a]s clearly shown, Yu discloses a monitor with function buttons on the side, (fig. 4)” The Examiner acknowledges and Appellant agrees that “if the user rotates the monitor from the landscape to portrait” in Yu, the “on-screen menu will have a different orientation as compared to the original display.” The Examiner further alleges of page 35 of the Examiner’s Answer that “[w]hile applying NEC feature of correct orientation of the OnScreen Menu display of toggling between portrait and landscape, the deficiencies of Yu where the onscreen menu is displayed opposite to the function button will be cured and the function buttons on the monitor chassis will be able to operate the OSM menu by applying the proper orientation. Therefore, the combination of NEC and Yu is plausible.”

Referring to page 6, paragraph 3 of NEC as relied upon by the Examiner, NEC describes that “[t]o toggle the orientation of the OSM menu between Landscape and Portrait modes, press the RESET button while the OSM menu is off.” In other words, NEC merely describes “toggl[ing] the orientation” of the “menu” between “Landscape and Portrait modes” by pressing a “RESET button” – not that the “orientation” of a least one displayed “symbol” is “changed” at a “position close to the at least one input unit.” At best, NEC describes displaying the menu in “Landscape” or “Portrait” modes – not that the “orientation” of a least one displayed “symbol” is “changed” at a “position close to the at least one input unit.”

Therefore, Yu, Pivot Pro, Kim, and NEC, whether taken alone or in combination with one another, fail to teach or suggest, among other things, “changing an orientation of the at least one symbol in accordance with a detection of a viewing state of the screen, in which the viewing state relates to a rotated state of the screen,” and “displaying the at least one symbol, whose

orientation is changed, at a position close to the at least one input unit” as recited in claim 63.

For at least the reasons discussed above, since Yu, Pivot Pro, Kim, and NEC, whether taken alone or in combination with one another, fail to teach or suggest all of the features as recited in independent claim 63, Appellant submits that the rejection of this claim under 35 U.S.C. § 103(a) is improper and must be withdrawn.

#### **9. Independent claim 64**

On page 35 of the Examiner's Answer, the Examiner alleges that “NEC discloses *the correct orientation of the OnScreen Menu can be toggle[d] between portrait and landscape* (p. 6, para. 3 and fig. R.1). Not only NEC can detect a pivot angle but also display the OSM menu based on the orientation in accordance with the function buttons on the chassis” (emphasis original).” On page 35 of the Examiner's Answer, the Examiner alleges that “[a]s clearly shown, Yu discloses a monitor with function buttons on the side, (fig. 4).” The Examiner acknowledges and Appellant agrees that “if the user rotates the monitor from the landscape to portrait” in Yu, the on-screen menu will have a different orientation as compared to the original display.” The Examiner further alleges of pages 35 and 36 of the Examiner's Answer that “[w]hile applying NEC feature of correct orientation of the OnScreen Menu display of toggling between portrait and landscape, the deficiencies of Yu where the onscreen menu is displayed opposite to the function button will be cured and the function buttons on the monitor chassis will be able to operate the OSM menu by applying the proper orientation. Therefore, the combination of NEC and Yu is plausible.”

Referring to page 6, paragraph 3 of NEC as relied upon by the Examiner, NEC describes that “[t]o toggle the orientation of the OSM menu between Landscape and Portrait modes, press the RESET button while the OSM menu is off.” In other words, NEC merely describes “toggle[ing] the orientation” of the “menu” between “Landscape and Portrait modes” by pressing a “RESET button” – not that the “orientation” of a least one displayed “symbol” is “changed” at a “position close to the at least one input unit.” At best, NEC describes displaying the menu in “Landscape” or “Portrait” modes – not that the “orientation” of a least one displayed “symbol” is “changed” at a “position close to the at least one input unit.” Therefore, Yu, Bald, Pivot Pro, and NEC, whether taken alone or in combination with one another, do not teach or suggest, among

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other things, “displaying the at least one symbol, whose orientation is changed, at a position close to the at least one input unit” as recited in claim 64.

For at least the reasons discussed above, since Yu, Pivot Pro, Kim, and NEC, whether taken alone or in combination with one another, fail to teach or suggest all of the features as recited in independent claim 64, Appellant submits that the rejection of this claim under 35 U.S.C. § 103(a) is improper and must be withdrawn.

**10. Dependent claims 2-4, 9, 20-24, 28-34, 36, 38-47, 49-62, 65-68, 71-78, and 81-82**

A dependent claim is not anticipated if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims. Accordingly, as the independent claims are patentable for at least the reasons set forth above, it is respectfully submitted that all dependent claims are also in condition for allowance. Appellant submits that in addition to being allowable by virtue of their dependency, each of the dependent claims is also allowable on its own merits by adding novel and non-obvious features.

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**Conclusion**


For at least the foregoing reasons, Appellant respectfully submits that the grounds of rejection of the claims on appeal are in error and should be reversed.

If any fees are required in connection with the filing of this amendment, please charge the same to out Deposit Account No. 502827.

Respectfully submitted,

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